

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EXMAR SHIPPING N.V.,

06 CIV 12991 (11B)

Plaintiff,

ORDER

-against-

POLAR SHIPPING S.A. and
POLAR SHIPPING CO., LTD.,

Defendants.
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WHEREAS, \$300,000 belonging to the Defendants is currently under attachment and held by the garnishee bank ABN-AMRO pursuant to a Maritime Attachment and Garnishment; and

WHEREAS, Defendants wish to have \$25,000 of these funds transferred to this Court's Registry and \$275,000 of these funds released to Defendants in exchange for their providing the Plaintiffs with a Steamship Insurance P&I Club Letter of Undertaking ("Steamship LOU"); and

WHEREAS, Plaintiffs and Defendants have been unable to agree upon the language proposed by the Defendants in the Steamship LOU and the parties submitted Letter Briefs requesting my non-binding advisory opinion on this matter.

IT IS HEREBY ORDERED:

1. Having read the Letter Briefs submitted by the Plaintiffs and Defendants, with their attachments, my opinion is that the customary language and usual undertaking by P&I Clubs would call for the Steamship LOU to be stated in a

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lump sum (i.e. \$275,000, inclusive of interest and costs) and not broken out into individual amounts for the claim, interest and costs.

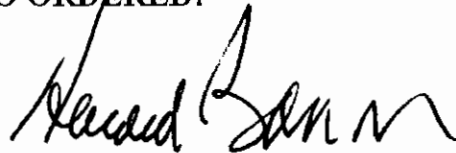
2. In the event that the parties cannot agree on the language in the Steamship LOU within seven (7) days of this Order, then the full \$300,000 currently under attachment will be transferred to the Clerk of the Court of the U.S. District Court for the Southern District of New York c/o The U.S. Treasury, ABA No. 021030004, Agency Location Code 4654, to be held in an interest bearing account of this Court.

3. ~~The case shall be transferred to the Court's Suspense Docket pending completion of the London arbitration in respect of the underlying claims.~~

This matter must now be transferred for arbitration in London and the clerk is directed to close the case & remove it from my docket

Dated: 2/16, 2007

SO ORDERED:



U.S.D.J.